

United States Bankruptcy Court
Eastern District of New YorkIn re:
Dowling College
DebtorCase No. 16-75545-reg
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0207-8

User: smarcus
Form ID: pdf000Page 1 of 2
Total Noticed: 5

Date Rcvd: Jun 18, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 20, 2019.

aty +Klestadt Winters Jureller Southard & Stevens, LLP, 200 West 41st Street, 17th Floor,
New York, NY 10036-7219

aty +SilvermanAcampora LLP, 100 Jericho Quadrangle, Suite 300, Jericho, NY 11753-2702

intp +Ronald J. Friedman, Esq., Unsecured Creditor Trust, SilvermanAcampora LLP,
100 Jericho Quadrangle, Ste. 300, Jericho, NY 11753-2702

intp +Ronald J. Friedman, Esq., the Post-Confirmation Tr, SilvermanAcampora LLP,
100 Jericho Quadrangle, Ste. 300, Jericho, NY 11753-2702

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
+E-mail/Text: ustpreion02.li.ecf@usdoj.gov Jun 18 2019 18:43:21 Office of the U.S. Trustee,
560 Federal Plaza, Central Islip, NY 11722-4456

TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 20, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 18, 2019 at the address(es) listed below:

Adam T Berkowitz on behalf of Creditor UMB Bank, National Association as Indenture Trustee
aberkowitz@garfunkelwild.com, jfigueroa@garfunkelwild.com

Anthony C Acampora on behalf of Plaintiff Ronald J. Friedman efilings@spallp.com,
aca@spallp.com;ksilverman@ecf.epiqsystems.com;ggerson@sallp.com;sgiuigliano@silvermanacampora.com

Anthony C Acampora on behalf of Creditor Committee Official Committee Of Unsecured Creditors
efilings@spallp.com,
aca@spallp.com;ksilverman@ecf.epiqsystems.com;ggerson@sallp.com;sgiuigliano@silvermanacampora.com

Arthur Z Schwartz on behalf of Creditor Martin Schoenhals aschwartz@afjlaw.com

Bonnie Pollack on behalf of Creditor NCF Capital LTD bpollack@cullenanddykman.com

Brendan M Scott on behalf of Defendant Dowling College bscott@klestadt.com

Brian D Pfeiffer on behalf of Creditor ACA Financial Guaranty Corp.
brian.pfeiffer@whitecase.com, jdisanti@whitecase.com;mco@whitecase.com

Dipesh Patel on behalf of Creditor Dowling College Full Time Faculty Chapter of New York
State United Teachers dipesh.patel@saul.com

Elizabeth M Aboulafia on behalf of Creditor NCF Capital LTD eaboulafia@cullenanddykman.com

Gerard R Luckman on behalf of Creditor Committee Official Committee Of Unsecured Creditors
GLuckman@Forchellilaw.com, GLuckman@Forchellilaw.com;Bhufnagel@forchellilaw.com

Glenn P Warmuth on behalf of Interested Party Kimberly Dawn Poppiti gpw@stim-warmuth.com,
pjw@stim-warmuth.com

Glenn P Warmuth on behalf of Creditor Kimberly Dawn Poppiti gpw@stim-warmuth.com,
pjw@stim-warmuth.com

Harold Seligman on behalf of Interested Party Bridgestone Capital Partners, LLC
hseligman@msn.com

Howard B Kleinberg on behalf of Interested Party Certain Members Of The Dowling College Board
of Trustees hkleinberg@MSEK.com, kgiddens@msek.com

Howard B Kleinberg on behalf of Defendant Ralph Cerullo hkleinberg@MSEK.com, kgiddens@msek.com

Howard B Kleinberg on behalf of Defendant Dennis O'Doherty hkleinberg@MSEK.com,
kgiddens@msek.com

Howard B Kleinberg on behalf of Defendant Myrka Gonzalez hkleinberg@MSEK.com,
kgiddens@msek.com

Howard B Kleinberg on behalf of Defendant Jack O'Connor hkleinberg@MSEK.com, kgiddens@msek.com

Howard B Kleinberg on behalf of Defendant Gerald J. Curtin hkleinberg@MSEK.com,
kgiddens@msek.com

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Howard B Kleinberg on behalf of Defendant Michael P. Puorro hkleinberg@MSEK.com, kgiddens@msek.com
 Howard B Kleinberg on behalf of Defendant Deborah K. Richman hkleinberg@MSEK.com, kgiddens@msek.com
 Howard B Kleinberg on behalf of Defendant Scott Rudolph hkleinberg@MSEK.com, kgiddens@msek.com
 Howard B Kleinberg on behalf of Defendant John Racanelli hkleinberg@MSEK.com, kgiddens@msek.com
 Howard B Kleinberg on behalf of Defendant Joseph K. Posillico hkleinberg@MSEK.com, kgiddens@msek.com
 Howard B Kleinberg on behalf of Defendant Ronald Parr hkleinberg@MSEK.com, kgiddens@msek.com
 Howard B Kleinberg on behalf of Defendant Patricia M. Blake hkleinberg@MSEK.com, kgiddens@msek.com
 J Eric Charlton on behalf of Creditor Carrier Corporation echarlton@barclaydamon.com, rjones@barclaydamon.com
 Jack A Raisner on behalf of Plaintiff Lori Zaikowski jar@outtengolden.com, kdeleon@outtengolden.com; jxh@outtengolden.com; rfisher@outtengolden.com; jquinonez@outtengolden.com; bkouroupas@outtengolden.com
 Jack A Raisner on behalf of Creditor Lori Zaikowski jar@outtengolden.com, kdeleon@outtengolden.com; jxh@outtengolden.com; rfisher@outtengolden.com; jquinonez@outtengolden.com; bkouroupas@outtengolden.com
 James H. Knapp on behalf of Creditor Department of Education james.knapp@usdoj.gov
 James H. Knapp on behalf of Creditor U.S. Department of Veteran Affairs james.knapp@usdoj.gov
 James M Steinberg on behalf of Creditor Justino Reyes james@bradymcguiresteinberg.com, beverly@bradymcguiresteinberg.com
 James M Steinberg on behalf of Creditor Garry Bishop james@bradymcguiresteinberg.com, beverly@bradymcguiresteinberg.com
 Janet F Brunell on behalf of Interested Party Ronald J. Friedman, Esq., Unsecured Creditor Trustee jbrunell@silvermanacampora.com
 Jeffrey C Wisler on behalf of Creditor Cigna Health and Life Insurance Company jwisler@connollygallagher.com
 John J Ramirez on behalf of Creditor ACA Financial Guaranty Corp. john.ramirez@whitecase.com, jdisanti@whitecase.com; mco@whitecase.com
 Joseph Charles Corneau on behalf of Debtor Dowling College jcorneau@klestadt.com
 Karl J Silverberg on behalf of Creditor Powerhouse Maintenance, Inc. ksilverberg@silverbergpclaw.com, ksilverberg@king-king-law.com
 Laine A Armstrong on behalf of Creditor Martin Schoenhals laine@advocatesny.com
 Lauren Catherine Kiss on behalf of Defendant Dowling College lkiss@klestadt.com
 Lauren Catherine Kiss on behalf of Debtor Dowling College lkiss@klestadt.com
 Matthew A Gold on behalf of Creditor Argo Partners courts@argopartners.net
 Matthew G Roseman on behalf of Creditor NCF Capital LTD mroseman@cullenanddykman.com
 Neil S Begley on behalf of Creditor ACA Financial Guaranty Corp. neil.begley@srz.com
 Patrick T Collins on behalf of Spec. Counsel Farrell Fritz, P.C. pcollins@farrellfritz.com, ffbkmao@farrellfritz.com
 Rene S Roupinian on behalf of Plaintiff Lori Zaikowski rroupinian@outtengolden.com, jxh@outtengolden.com; cbrann@outtengolden.com; kcarter@outtengolden.com
 Richard J McCord on behalf of Creditor ACA Financial Guaranty Corp. rmccord@certilmanbalin.com, afollett@certilmanbalin.com; cfollett@certilmanbalin.com; rnosek@certilmanbalin.com; CBAHECM@gmail.com; mmccord@certilmanbalin.com
 Ronald J Friedman on behalf of Interested Party Ronald J. Friedman, Esq., the Post-Confirmation Trustee efilings@spallp.com, rfriedman@silvermanacampora.com; dmahoney@silvermanacampora.com; JHellman@SilvermanAcampora.com; JKrell@SilvermanAcampora.com
 Ronald J Friedman on behalf of Creditor Committee Official Committee Of Unsecured Creditors efilings@spallp.com, rfriedman@silvermanacampora.com; dmahoney@silvermanacampora.com; JHellman@SilvermanAcampora.com; JKrell@SilvermanAcampora.com
 Sean C Southard on behalf of Debtor Dowling College ssouthard@klestadt.com
 Stan Y Yang stan.y.yang@usdoj.gov, stan.y.yang@usdoj.gov
 Stephanie R Sweeney on behalf of Debtor Dowling College ssweeney@klestadt.com
 United States Trustee USTPRegion02.LI.ECF@usdoj.gov

TOTAL: 53

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

DOWLING COLLEGE
fdba DOWLING INSTITUTE
fdba DOWLING COLLEGE ALUMNI ASSOCIATION
fdba CECOM
aka DOWLING COLLEGE, INC.,

Case No. 16-75545-reg
Chapter 11

Debtor.
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**ORDER SCHEDULING HEARING ON
COURT’S SUA SPONTE MOTION TO RECONSIDER FEES AWARDED TO
SILVERMANACAMPORA LLP**

By Order, dated February 17, 2017 [ECF No. 206], this Court approved the retention of SilvermanAcampora LLP (“SilvermanAcampora”) to represent the Official Committee of Unsecured Creditors (“Committee”).

During the case, the Committee was granted the authority to pursue and prosecute any and all claims and causes of action of the Debtor’s estate. [ECF No. 611].

By Order, dated December 20, 2018, this Court confirmed the Debtor’s First Amended Chapter 11 Plan of Liquidation (“Plan”) [ECF No. 640]. Prior to confirmation of the Plan, the Committee had commenced no litigation on behalf of the estate.

In a final fee application [ECF No. 678] filed with the Court and approved by Order, dated June 7, 2019 (“Final Fee Order”) [ECF No. 717], SilvermanAcampora billed the estate a total of \$840,791 for representing the Committee in this case, including \$293,683 billed for “litigation.”

Pursuant to the confirmed Plan, an Unsecured Creditor Trust was established to litigate, post-confirmation, any and all causes of action of the Debtor or its estate, including but not limited to avoidance actions and claims against the Debtor’s pre-petition accountant, officers and directors. [ECF No. 650]. The Unsecured Creditor Trust is also tasked with objecting to claims under section 9.15 of the Plan.

Ronald J. Friedman, a partner at SilvermanAcampora (“Unsecured Creditor Trustee”), undertook the role of trustee of the Unsecured Creditor Trust for which services he is entitled to a monthly fee of \$6,000. SilvermanAcampora now represents the Unsecured Creditor Trust.

It was reported to this Court at a hearing held on April 1, 2019, that the Unsecured Creditor Trustee has decided not to pursue any avoidance actions in this case, the Unsecured Creditor Trustee had not, at that point, initiated litigation against the insiders for fear of depleting

available insurance proceeds, and the claims against the Debtor's pre-petition accountants would proceed to mediation and then arbitration without any litigation commenced in this or any other court, based upon the Unsecured Creditor Trustee's desire to minimize litigation costs.

On June 14, 2019, the Unsecured Creditor Trustee filed a Motion to Extend the Deadline to Object to Claims ("Motion to Extend"). [ECF No. 718]. The Motion to Extend states that because the Unsecured Creditor Trust was funded with only \$300,000, of which a minimum of \$150,000 is earmarked for distribution to unsecured creditors, unless the Unsecured Creditor Trust is successful in recovering funds from actions against the officers and directors and accountants, there will be limited funds available to pay the \$56 million in filed claims. The Unsecured Creditor Trustee, therefore, determined it to be a prudent use of his limited resources to defer review of and/or object to claims.

Now therefore, it is

ORDERED, that at a hearing will be held on July 15, 2019 at 1:30 p.m. in Courtroom 860 of the Alfonse M. D'Amato Federal Courthouse, at which this Court will *sua sponte* reconsider the Final Fee Order pursuant to 11 U.S.C. § 105(a), Fed. R. Bankr. P. 9024 and Fed. R. Civ. P. 60(b), and it is further

ORDERED, that pending the hearing, no distributions will be made to SilvermanAcampora on account of the Final Fee Order, and it is further

ORDERED, that any written response to the relief proposed by this Order shall be filed with the Court on or before July 8, 2019, and it is further

ORDERED, that the clerk shall give notice of this Order to the Unsecured Creditor Trustee, his counsel, counsel for the Debtor, and the Office of the United States Trustee on or before June 19, 2019.

**Dated: Central Islip, New York
June 18, 2019**



A handwritten signature in black ink, appearing to read "Robert E. Grossman".

**Robert E. Grossman
United States Bankruptcy Judge**